

### **REMARKS**

Claims 1-20 were pending. By this Amendment claims 1 and 2 have been canceled, without prejudice. Claims 3-15 and 20 have been amended. Upon entry, claims 3-15 and 20 are pending and under examination. Nonelected claims 16-19 have been maintained of record pending withdrawal of the restriction requirement or the filing of one or more divisional applications.

The claims have been amended to distinguish over the prior art. The claims have also been amended to eliminate multiple dependencies, to correct dependencies, and to change certain words from the singular to the plural where appropriate in accordance with good English usage.

The pending claims relate to mutant vesicular stomatitis virus (VSV) having the mutation  $\Delta M51$ , and possibly other mutations as well, in the matrix (M) protein. Support for the amendment of claims 3-15 and 20 may be found, *inter alia*, in original claims 1-15 and 20. Applicants maintain that the amendments do not raise an issue of new matter. Entry of this Amendment is respectfully requested.

The Office Action required restriction to one of the following allegedly distinct inventions:

1. Claims 1-15 and 20.
2. Claim 16.
3. Claims 17-18.
4. Claim 19.

In response to the restriction requirement, applicants hereby elect Group 1 (original claims 1-15 and 20), drawn to mutant rhabdovirus and compositions thereof, with traverse. Applicants maintain that there would not be an undue burden to search and

examine all four groups. Reconsideration and withdrawal of the restriction requirement is respectfully requested.

The Office Action also required an election of one of the mutations listed in (original) claims 4-6, to which the claims shall be restricted if no generic claim is finally held to be allowable. In response, applicants hereby elect the following species: mutant vesicular stomatitis virus (VSV) having the mutation  $\Delta M51$  in the matrix (M) protein. Claims 3-15 and 20 read on the elected species. Applicants note that the elected species is generic to all claims as amended and to all specifically recited species. Nevertheless because the elected species is one of the mutations listed in original claim 4, its election in response to the election of species requirement is proper.

It is believed that no fee is required in connection with the filing of this Amendment. If any fee is required, the Commissioner is hereby authorized to charge the amount of such fee to Deposit Account No. 50-1677.

Respectfully submitted,

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